

FILED

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURTfor the
Eastern District of TexasClerk, U.S. District Court
Texas Eastern

United States of America

v.

Ricky Lynn Armer

Defendant(s)

Case No.

6:17MJ 45

SEALED**CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of November 17, 2016 in the county of Smith in the
Eastern District of Texas, the defendant(s) violated:*Code Section*


18 U.S.C. § 922(g)(1)

Offense Description

On or about November 17, 2016, in the Eastern District of Texas, Ricky Lynn Armer did possess a firearm, in violation of 18 U.S.C. § 922(g)(1).

This criminal complaint is based on these facts:

See attached affidavit of Special Agent Jonathan Dickard


☒ Continued on the attached sheet.
Complainant's signature

Special Agent Jonathan Dickard, ATF

Printed name and title

Sworn to before me and signed in my presence.

Date:

4-10-17
Judge's signature

City and state:

Tyler, Texas

John D. Love, United States Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF APPLICATION FOR ARREST WARRANT

I, Jonathan Dickard, being duly sworn, depose and state that:

I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). I have been so employed since March 2014, and I am currently assigned to the Tyler, Texas Field Office. Prior to my employment with ATF, I was a peace officer for the Tyler Texas Police Department where I was employed for approximately 4 years as a commissioned law enforcement officer. During my employment at the Tyler Police Department, I was a SWAT Operator, Property Crimes Investigator and a Police Training Officer. I hold an Associate's Degree in Business from Tyler Junior College, a Bachelor's Degree in Business Administration from the University of Texas at Tyler, and a Master's Degree in Business Administration from the University of Texas at Tyler. I am also a graduate of the Federal Law Enforcement Training Center and the ATF National Academy.

As a result of my training and experience as an ATF Special Agent, I am familiar with certain federal criminal laws, and I know that it is a violation of 18 U.S.C. § 922(g)(1) for a person to possess a firearm when he has been convicted of a crime punishable by more than one year.

As detailed below, I believe that **Ricky Lynn Armer**, W/M, date of birth of March 21, 1985, has violated federal law, specifically 18 U.S.C. § 922(g)(1). This affidavit is intended to show only that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.


During the course of this investigation, I know or have been made aware of the following:

1. On November 17, 2016, DEA Special Agent (SA) Darby Hodges, Smith County Detective Jeff McClenney, Smith County Detective Craig Hollbrooks, and I interviewed **Ricky Armer** at the Smith County Sheriff's Office. **Armer** came to the meeting on his own accord and was not detained or under arrest.
2. **Armer** stated he received a firearm from a subject and was still in possession of the firearm. **Armer** stated he knew he was not allowed to possess the firearm. **Armer** stated the pistol was a Springfield XD .40 pistol. I told **Armer** that I needed to take possession of the firearm, because **Armer** was a convicted felon. **Armer** stated he understood and told me that I could meet him at his house in a few minutes to retrieve the firearm. **Armer** stated his address was 19917 County Road 4145, Lindale, Texas. **Armer** then left the interview and drove to his residence.
3. A short time later, ATF SA's Josh Petree, Matthew Matheney, and I went to 19917 County Road 4145 Lindale, Texas, which is in the Eastern District of Texas. As SA Petree, SA Matheney, and I approached the residence, we observed **Armer** standing by the street in front of the residence holding a brown paper bag. SA Petree, SA Matheney, and I then pulled next to **Armer**, and **Armer** handed me the bag. I looked in the bag and discovered a HS Produkt (Springfield) XD40 .40 pistol, s/n XD418783. We then left the scene, and I later placed the pistol into the ATF Tyler Field Office vault.

4. I spoke with ATF SA Ken Keener, who is an Interstate Nexus expert. SA Keener stated the pistol was not manufactured in the State of Texas and therefore had affected interstate commerce.
5. I ran **Armer's** criminal history through the National Crime Information Center (NCIC) and discovered **Armer** had three felony convictions which are listed below:
 - Burglary of a Building out of the 86th District Court of Texas, case number 30333-86 in 2012.
 - Fraud Use/Poss Identifying Info out of the 6th District Court of Texas, case number F-1341508 in 2013.
 - Man/Del of a Controlled Substance out of the 6th District Court of Texas, case number F-1361824 in 2013.
6. I contacted the above courts and confirmed that **Armer** was convicted of the above felonies.


I believe that there is probable cause to believe that **Ricky Armer** committed a violation of 18 U.S.C. § 922(g)(1) and shall so be brought forth to answer such charges.

I swear under penalty of perjury that the foregoing is true and correct to the best of my knowledge.



Jonathan Dickard, Special Agent
Bureau of Alcohol, Tobacco, Firearms and
Explosives

SUBSCRIBED AND SWORN to before me this 10th day of April, 2017.



John D. Love
United States Magistrate Judge
Eastern District of Texas